

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claim 1 was pending in the present application and has been rejected. Claim 1 has been amended and Claims 2-8 have been added. No new subject matter has been added. Claims 1-8 will therefore be pending in the present application upon entry of this Reply and Amendment.

Abstract

In Section 1 of the Office Action, the Examiner objected to the Abstract of the disclosure. Applicant has included a new Abstract that takes into account the Examiner's objections. Applicant respectfully requests withdrawal of the objection to the Abstract.

Specification

In Section 2 of the Office Action, the Examiner objected to the Specification because of the following informalities:

On page 1 line 17 the word – a – should be inserted before the word “certain,” on page 2 line 20 the phrase “which allows” should be deleted, and on page 2 line 21 the word – a – should be inserted before the word “design.”

Applicant has amended the Specification in accordance with the Examiner's recommendations. Applicant has also corrected other typographical errors found in the Specification. Applicant respectfully requests withdrawal of the objection to the Specification.

35 U.S.C. § 112 ¶ 2

In Section 4 of the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

The Examiner stated:

Claim 1 recites the limitation “the small open flow areas” in lines 2-3. There is insufficient antecedent basis for these limitations in the claim.

Claim 1 recites the limitations “the blind side” and “rod end” in line 3. There is insufficient antecedent basis for these limitations in the claim.

Also in line 3 of Claim 1, the term “the other way” is indefinite. It is unclear what the term means. In other words, what other way is the fluid supposed to flow?

Claim 1 also recites the limitation “the capacity decrease” in the last two lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

And lastly, Claim 1 recites the limitation “the load” in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 has been amended and is definite and in compliance with 35 U.S.C. § 112 ¶ 2. The Applicant requests withdrawal of the rejection of Claim 1 under 35 U.S.C. § 112 ¶ 2.

Claim Rejections – 35 U.S.C. § 102

In section 6 of the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Russian Patent No. 2020310 to Litvinov et al. (“Litvinov”).

The Examiner stated that:

Regarding Claim 1, Litvinov discloses a method for regulating the hydraulic resistance of a shock absorber during the operation thereof (see the translated abstracts), which includes forced flow of hydraulic fluid through small open flow areas 9, 16, and the area around element 10 from the blind side (see the Figure and the chamber just below nut 15) towards the rod end (see the Figure and the chamber above piston 4) and the other way having all the features of the instant invention including: that the open flow areas 9, 16, and the area around the element 10 are created with varying capacity (see the Figure) that is achieved with the use of mutually traveling metering components 10/14/16 and is changed

through effect of hydraulic pressure differences on the components at the blind side and rod end so that a capacity decrease is caused by increase of the load at the shock absorber (see the translated abstracts and the Figure).

Litvinov is directed to a “hydraulic shock absorber” including a “conical recoil plug 10-13” (see translated Abstract of Litvinov and Figure 1).

Claim 1 is in independent form and recites that “a capacity decrease is caused by an increase of load at the shock absorber.”

Litvinov does not identically disclose that “a capacity decrease is caused by an increase of load at the shock absorber” as recited in independent Claim 1. Instead, in Litvinov, an increase of load at the shock absorber causes an increase in capacity. This is evidenced by the fact that in Litvinov, as the load at the shock absorber increases, the pressure above the “conical recoil plug 10-13” also increases, forcing the “conical recoil plug 10-13” to move down. As the “conical recoil plug 10-13” moves down, more and more of the “tapered surface 12” of the “conical recoil plug 10-13” is exposed, causing a decrease in fluid flow restriction and an increase in capacity.

According to the present application, when an increase in load at the shock absorber causes an increase in pressure above the “metering components” (as recited in Claim 1), the “regulating piston 10” moves down. However, when the “regulating piston 10” moves down, the engagement or overlap between the “regulating piston 10” and the “regulating rod 11” increases, causing an increase in fluid flow restriction and the capacity to decrease.

The rejection of Claim 1 over Litvinov is improper. Therefore, Claim 1 is patentable over Litvinov. The Applicant respectfully requests withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102(b).

New Claims

New Claims 2-8 have been included with this response. New Claims 2-8 are patentable over Litvinov for at least the reasons stated above. For example, Litvinov does not disclose, teach, or suggest that “hydraulic pressure differences on the metering components cause the capacity of the small open flow area to decrease when there is an increase of load at the shock absorber,” as recited in Claim 2, or that “when a pressure difference increases between the rod end and the blind side, a capacity of the open flow area between the rod end and the blind side is reduced,” as recited in Claim 3. Support for new Claims 2-8 may be found, for example, in the paragraph starting on page 3, line 8 of the present application and Figures. 1-2. Applicant respectfully requests consideration and allowance of new Claims 2-8.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicant requests consideration and allowance of all pending claims.

It should also be noted that although the Applicant has only addressed certain claims or claimed features herein, other claims, features, or combinations of features may also be patentable for additional reasons. Further, the failure to address any statement by the Examiner should not be interpreted as acquiescence or agreement with such statement. Applicant expressly reserves the right to rebut any statement presented by the Examiner and to set forth additional and/or alternative reasons for patentability during prosecution of the present Application or in any other future proceeding.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment

instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: May 11, 2009

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